

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

	:	
	:	
Plaintiff,	:	
vs.	:	Civil Action No. _____
	:	
	:	
Defendant.	:	

FINAL PRETRIAL ORDER (REQUIRED FORM)

NOTE: THIS FORM IS TO BE JOINTLY PREPARED BY COUNSEL FOR ALL PARTIES. THE FORM MUST BE SUBMITTED TO THE COURT AT LEAST THREE DAYS PRIOR TO THE DAY OF THE CONFERENCE. IN ADDITION, THE FORM MUST BE SIGNED BY COUNSEL FOR ALL PARTIES, CONTAIN A SIGNATURE LINE FOR THE COURT, AND BE IN A FORM SUITABLE FOR FILING WITH THE CLERK OF COURT.

 This action came before the Court at a final pretrial conference held on _____, at __.M., pursuant to Rule 16, Federal Rules of Civil Procedure.

I. APPEARANCES:

 For Plaintiff:

 For Defendant:

II. NATURE OF ACTION AND JURISDICTION:

A. This is an action for

B. The jurisdiction of the court is invoked under Title ____, United States Code, Section ____.

C. The jurisdiction of the Court is/is not disputed.

III. TRIAL INFORMATION () COURT () JURY

A. The estimated length of trial is ____ days.

B. (1) Trial to (Court or Jury) has been set for _____,
pursuant to the General Order on Trial Assignment.

(2) A Trial Assignment will be made by the Court at a future date.

IV. AGREED STATEMENTS AND LISTS:

A. GENERAL NATURE OF THE CLAIMS OF THE PARTIES

(1) PLAINTIFF CLAIMS: (set out brief summary without detail; an itemized statement of special damages should be included).

(2) DEFENDANT CLAIMS: (set out brief summary without detail).

(3) ALL OTHER PARTIES' CLAIMS: (same type of statement where third parties are involved).

B. UNCONTROVERTED FACTS

Suggested Language:

The following facts are established by admissions in the pleadings or by stipulations of counsel. (Set out uncontroverted or uncontested facts.)

C. ISSUES OF FACT AND LAW

Suggested Language:

(1) CONTESTED ISSUES OF FACT: The contested issues of fact remaining for decision are: (set out)

(2) CONTESTED ISSUES OF LAW: The contested issues of law in addition to those implicit in the foregoing issues of fact, are: (set out). OR: There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

D. WITNESSES

Suggested language:

- (1) In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will call, or will have available at the trial: (List) OR:
Plaintiff may call: (List)
- (2) In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at the trial: (List) OR:
Defendant may call: (List)
- (3) In the absence of reasonable notice to opposing counsel to the contrary, _____ will call, OR: _____ may call
(List) (Use for third parties, if any.)
- (4) There is reserved to each of the parties the right to call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

(NOTE: Counsel are directed to consult the provisions relating to pretrial disclosures and waiver of objections found in Rule 26(a)(3), Fed. R. Civ. P. By court practice, only witnesses listed in the Pretrial Order will be permitted to testify at the trial, except witnesses called solely for purpose of impeachment or for good cause shown.)

E. EXPERT WITNESSES

Parties are limited to the following number of expert witnesses, including treating physicians, whose names have been disclosed to the other side:

Plaintiff _____

Defendant _____

(NOTE: Counsel are directed to consult the provisions regarding the content and timing of mandatory disclosures of expert testimony found in Rule 26(a)(2), Fed. R. Civ. P. In addition to disclosures required by Rule 26(a)(2) and for expediency at the trial, counsel will prepare a resume of each expert's qualifications in accordance with Appendix herein. The Court may read such qualifications to the jury at the time the expert witness is called to testify.)

F. EXHIBITS

NOTE: Needless Court time is taken up in the marking of exhibits during trial. Accordingly, the exhibit list should be prepared prior to trial and set forth in the Pretrial Order. Exhibits that are to be admitted without objection should be listed first, then followed by a listing of exhibits to which there may be objections, noting by whom the objection is made (if there are multiple adverse parties), the nature of the objection and the authority supporting the objection. **THESE PROCEDURES**

ARE IN ADDITION TO, AND NOT IN LIEU OF, THE PRETRIAL DISCLOSURE PROVISIONS FOUND IN RULE 26(a)(3), FED. R. CIV. P. Exhibit markers should be attached to all exhibits at the time they are shown to opposing counsel during the preparations of the Pretrial Order. A supply of marking tags for exhibits may be obtained from the courtroom deputy clerk. They should be attached to the upper right-hand corner whenever possible.

Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial Order, with the exception of exhibits to be used solely for the purpose of impeachment.

SUGGESTED FORMS FOR LISTING EXHIBITS ARE FOUND AS
APPENDICES AT THE END OF THIS OUTLINE

The Pretrial Order should note exhibits as follows:

APPENDIX B	Joint Exhibits
APPENDIX C	Plaintiff Exhibits
APPENDIX D	Defendant Exhibits
APPENDIX E	Third Party Exhibits

The attached forms may be detached and used in the preparation of the Pretrial Order.

G. DEPOSITIONS

(During the trial the reading of depositions frequently presents problems that can be eliminated by advance discussion and preparation. The Pretrial Order shall list depositions to be read in evidence and any objections thereto identifying the objecting Party, portions objected to, and grounds therefor. All irrelevant and redundant matter and all colloquy between counsel in the deposition must be eliminated when the deposition is read.)

Suggested language:

Testimony of the following witnesses will be offered by deposition/video tape (if none, so state).

H. DISCOVERY

(Except for good cause, all discovery shall be completed before the Pretrial Order is signed by the Court. If discovery has not been completed, the proposed Pretrial Order shall state what discovery is yet to be done by each side, when it is scheduled, when it will be completed and whether any problems, such as objections or motions, are likely with respect to the uncompleted discovery.)

Suggested Language:

Discovery has been completed. OR: Discovery is to be completed by
_____. OR: Further discovery is limited to
_____. OR: The following provisions were made for discovery:
(Specify)

I. MISCELLANEOUS ORDERS

(1) Set forth any orders not properly includable elsewhere.

OR:

(2) The foregoing stipulations and statements were
amended at the final pretrial conference as follows:

V. MODIFICATION

This final pretrial order may be modified at the trial of this action, or prior thereto,
to prevent manifest injustice. Such modification may be made by application of
counsel, or on motion of the Court.

VI. JURY INSTRUCTIONS

Requests for special instructions shall be submitted to the Court one week prior to trial.
There is reserved to counsel the right to submit supplemental requests for instructions
during trial, or at the conclusion of the evidence, on matters that cannot be reasonably
anticipated.

VII. SETTLEMENT EFFORTS

The parties have made a good faith effort to negotiate a settlement, OR
_____.

VIII. ADDITIONAL ACTION TAKEN

The Honorable John D. Holschuh
United States District Court

Counsel for Plaintiff

Counsel for Defendant

Counsel for

APPENDIX A

QUALIFICATIONS OF EXPERT WITNESS

The following is intended to qualify your witness as an expert. It will be read to the jury in the form given. The Court will reserve the right to remove extraneous or repetitious material.

NAME _____

ADDRESS _____

PRESENT TITLE _____

DUTIES _____

EDUCATION AND DEGREES _____

TEACHING EXPERIENCE _____

JOB EXPERIENCE _____

ASSOCIATIONS & SOCIETIES _____

PUBLICATIONS _____

HONORS _____

OTHER PERTINENT INFORMATION _____

APPENDIX B

JOINT EXHIBITS OF PLAINTIFF AND DEFENDANT

[illegible]

PLEASE NOTE : F. PT. ORDER IS TO BE SUBMITTED
AT LEAST 3 DAYS PRIOR TO THE CONFERENCE DATE